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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,008	03/29/2006	Satoshi Goishihara	0020-5477PUS1	4342
2292 7590 10/01/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER STEPHENS III, JOSE S				
ART UNIT 3728		PAPER NUMBER		
NOTIFICATION DATE 10/01/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/574,008

Applicant(s)

GOISHIHARA ET AL.

Examiner

JOSE S. STEPHENS III

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-29, 31-32 and 34 is/are rejected.
- 7) ☒ Claim(s) 30 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/29/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB006)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 30-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "is optionally" renders the claims vague and indefinite, it is not clear what structure is encompassed by such language.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 28, 29, 31, 32, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirose et al. (US Patent 4,955,471).

With respect to claim 28, figures 1(a)-4 of Hirose et al. teaches an electrode material package 31, comprising a support shaft 6 for supporting one or more rolls, each of which comprises a hollow cylindrical core 5 and wound layers of a continuous sheet wound 3 thereon, the support shaft passing through the hollow cylindrical core of the roll, a base plate 7 which extends from the support shaft to the extent larger than a radius of the roll, and which supports a whole side face of the wound layers of the

continuous sheet through a cushion material 18, an end plate 7 which extends from the support shaft to the extent larger than the radius of the roll, and which supports a whole side face of the wound layers of the continuous sheet through a cushion material, and presses the same toward the base plate, a cushion material, which is provided when two or more of the rolls are provided, and which is compressed between the whole side faces of the wound layers of adjacent rolls, and a cover 9 which covers the rolls supported on the support shaft, the thickness of the cushion materials in the longitudinal direction of the support shaft being selected, so that at least one space is formed, between the core of the roll and the base plate, between the core of the roll and the end plate, and between the cores of the adjacent rolls if two or more of the rolls are provided (see figure 4).

With respect to claims 29 and 32, Hirose et al. teaches the cover is a transparent cover (see column 4, lines 23-22), which is connected to the peripheral edge of the base plate to seal the roll supported on the support shaft.

With respect to claim 31, Hirose et al. teaches the cushion material is provided with a cutout portion (the center portion).

With respect to claim 34, figure 8(a) Hirose et al. teaches the package comprises a stand 25a.

Allowable Subject Matter

5. Claims 30 and 33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 14 July 2008 have been fully considered but they are not persuasive.

Hirose et al. clearly shows at least one space is formed, between the core of the roll and the base plate, between the core of the roll and the end plate, and between the cores of the adjacent rolls if two or more of the rolls are provided. The cushion material forms the spaces. The cushion material does this by being in between: the end plate and the core of the roll on that end; the base plate and the core of the roll on that end; and the cores of each roll in the package.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are packages analogous to applicant's instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE S. STEPHENS III whose telephone number is 571-270-3797. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JILA M MOHANDESI/
Primary Examiner, Art Unit 3728

JSS
09/25/08